

Ministry of Environment and Energy's Environmental Planning Program

Land Use Planning Program Review

May 1996

Executive Summary

The Ministry of Environment and Energy (MOEE) recently completed a review and refocusing of its Land Use Planning Program. The last major review of the program, which has been in existence since the mid 1970s, took place in 1989. The Ministry's adoption of a Statement of Environmental Values under the *Environmental Bill of Rights*, a recognition of the need to carefully manage internal resources, and recent changes to the province's *Planning Act* all contributed to the definition of a new role for the Ministry in land use planning. This document describes the Ministry's involvement in Planning Act applications, discusses factors affecting program delivery, and outlines the Ministry's refocused **Environmental Planning Program (EPP)**.

The key feature of the EPP is a shift in emphasis away from the review of site-specific land use planning applications to focus the Ministry's efforts on broader environmental protection through involvement in official plan policy formulation. This approach is consistent with the Government's commitment through Bill 20 to promote greater municipal authority and responsibility for local planning decisions, to eliminate duplication, and to streamline planning approval process. It also underlines the Ministry's fundamental commitment to environmental protection through involvement in the establishment of strong environmental policies that set the stage for responsible decision-making.

As with all major changes, the introduction of this approach will require discussion and collaboration between the participants. This report outlines an approach for implementing the EPP across the province. This approach includes opportunities for dialogue, and ongoing support and training for municipalities through the implementation phase. The Program also provides for the development of a workable "One-Window" approach to provincial involvement in land use planning in conjunction with the Ministry of Municipal Affairs and Housing.

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I. BACKGROUND

In *Planning Act* matters, the Ministry of Environment and Energy's role has been to provide advice to the Approval Authority (the Ministry of Municipal Affairs and Housing, or its delegate) regarding the adoption of planning documents. MOEE's original role focused on evaluating plans for the provision of sewage and water services and the protection of water resources -- a function of the Ministry's mandate under the *Ontario Water Resources Act (OWRA)*, the *Environmental Assessment Act, 1990 (EAA)*, and the *Environmental Protection Act, 1990 (EPA)*. This role later evolved to include commenting on individual sewage and water services, waste disposal, land use compatibility (i.e. impact of noise, odour and particulate) and contaminated sites -- all of which fall under the Ministry's mandate through the *Environmental Protection Act, 1990*. In the early 1990's, in keeping with Section 8 of the *Ministry of Energy Act*, the Ministry's responsibilities expanded to include facilitation of energy conservation in land use planning, and planning for a safe, reliable, secure and affordable supply of energy.

As a review agency, MOEE routinely commented on a variety of planning documents, ranging from local consent applications and municipal site-specific zoning by-laws, to major secondary plans and, municipal and regional official plans (OPs). In recent years, MOEE's planning program has generally moved away from commenting on traditional site-specific *Planning Act* applications such as consents and zoning by-laws in an effort to focus on larger, more complex planning documents such as the municipal official plan. The review of zoning by-laws was considered unnecessary if the official plan, to which zoning by-laws must conform, satisfied MOEE's objectives.¹

Over the years, MOEE has documented and released to the public its standards, policies, and guidelines on protecting water quality and quantity, and on land use compatibility as these relate to land use planning.²

¹ *Planning Act, R.S.O. 1990, Section 24(1).*

² For a listing of MOEE's available Manuals and Guides, contact the MOEE Public Information Centre at (416) 323-4921 or 1-800-565-4923.

Ministry guidelines and procedures are available in four formats:

- 1) By requesting two 3.5" high density WordPerfect 5.1 diskettes containing all guidelines, except the few that are available in hard copy only, at (416) 323-4444.
- 2) By downloading the manual, or parts thereof, from the Internet at <http://www.gov.on.ca> and selecting Ministry of Environment and Energy from the menu.
- 3) By placing an order on the ministry's fax-on-demand service at (416) 323-4321 or 1-800-565-4923 for documents up to 15 pages in length.
- 4) By ordering hard copies by mail from the Ministry at (416) 323-4321 or 1-800-565-4923.

The goal of this effort was to establish consistency across the province, as well as to begin working with municipalities, developers, consultants, and the public to achieve the Province's intent in these areas. In the longer term, this additional knowledge is expected to result in an increased sense of local responsibility for the quality of the natural and built environments and hence *Planning Act* decisions which are more consistent with MOEE environmental goals and objectives.

Where We Are Now

The Ministry's land use planning program has been changing rapidly over the last several years in response to evolving demands, resource constraints, and dramatic fluctuations in development pressures. As stated previously, over time MOEE generally has refrained from reviewing and commenting on site-specific *Planning Act* instruments such as consent applications and zoning by-laws. Given the increasing time demands on staff responsible for reviewing and commenting on these documents, and their "low environmental risk" nature from a provincial perspective, this approach offered the most efficient use of the Ministry's resources. The next logical step in this progression is to become less involved in the review of plans of subdivision and site-specific official plan amendments (OPAs) as official plans are updated.

Some MOEE regional offices have actively pursued partnerships with other provincial agencies such as the Ministry of Municipal Affairs and Housing (MMAH), or with municipal governments. These partnerships have included screening arrangements, Co-operative Reviews, and Development Control Programs³. The extent of this activity has largely depended on MOEE workload and municipal interest and capability.

While these arrangements have been generally reflective of local conditions, MOEE recognized the need to have a consistent approach to land use planning to meet the new demands placed on the Ministry through the Statement of Environmental Values (SEV) and provincial planning reforms. To this end, an Interdivisional Plan Reform Committee was created under the Director, Eastern Region, Operations Division and the Director,

³ Co-operative Review is a term used to describe an arrangement between MOEE and an Approval Authority (to date this has been MMAH) whereby the Approval Authority acts on MOEE's behalf in commenting on "straight-forward" planning applications. Applications which were deemed to be "more environmentally complex" would continue to be sent to MOEE for review.

Development Control Programs are arrangements between MOEE and more sophisticated municipalities (i.e. ones having both a planning and public works department) in which the municipality becomes responsible for calculating and reporting reserve capacity at its sewage and water treatment plants according to an agreed upon formula.

Environmental Planning and Analysis Branch, Conservation and Prevention Division. The committee's mandate was to review the existing program in the context of the changing legislative environment and to develop the framework for a new Environmental Planning Program.

Planning Reform

The new *Planning Act* has ushered in a fundamentally different approach to land use planning in Ontario. A prime consideration for MOEE is that under this new Act provincial ministries are to focus on the formation of provincial planning policy, while municipalities are to make decisions on planning instruments such as official plan amendments, zoning by-laws and subdivision plans. Thus provincial and municipal roles have become more clearly defined.

Bill 20 further modified the *Planning Act* by establishing a "One-Window" administrative arrangement wherein the Ministry of Municipal Affairs and Housing (MMAH) takes the lead in co-ordinating a provincial position on planning applications, including the lodging of appeals and the development of cases for the OMB. The Environmental Planning Program has been established to incorporate the Ministry's SEV, the redefined municipal role and provincial interest as established in the Provincial Policy Statement (PPS) -- see Figure 1.0. Moreover, the Environmental Planning Program has been designed to allow for administration in the context of a "One-Window" approach to provincial planning and appeals.

Environmental protection will be realized through the introduction of the Provincial Policy Statement and the related implementation materials.⁴ The PPS reflects MOEE's mandated concerns, thus incorporating the Ministry's environmental interests in planning matters, and reinforcing their legal status under the *Planning Act*. However, in order to be implemented successfully within the new planning process (as defined by the *Planning Act*), the EPP must ensure that environmental protection occurs in conjunction with the two other themes of planning reform -- municipal empowerment and streamlining.

⁴ The Provincial Policy Statement is accompanied by several implementation documents designed to clarify its intent. MOEE authored several of these documents which reflect its mandated areas of interest.

MOEE's SEV and the Environmental Planning Program

As of November 1994, MOEE's Statement of Environmental Values (SEV) must be taken into consideration in the development of all Ministry policies, acts and regulations, and therefore must be considered when developing the Environmental Planning Program. The SEV contains three guiding principles: to apply an *Ecosystem Approach* to environmental protection and resource management, by placing priority on *Environmental Protection* as a method of minimizing the creation of pollutants, and the use of energy and water conservation as part of a strategy for *Resource Conservation*. The SEV principles are also reflected in the Provincial Policy Statement" (PPS) and related implementation materials. For example, the PPS encourages coordination among municipalities to address watershed related issues, thus identifying watershed-based planning as an example of an ecosystem approach to land use planning.

The Environmental Planning Program incorporates the principles of the Ministry's SEV by continuing to move away from a focus on the site-specific review of *Planning Act* instruments toward a broader consideration of environmental issues -- one which recognizes the principles of an Ecosystem Approach, Environmental Protection and Resource Conservation at the official plan level. Notwithstanding this, the Ministry will continue to monitor local decision-making on land use planning matters in partnership with other ministries and municipal planning authorities to ensure environmental protection through compliance with MOEE policies, standards and guidelines.

The Redefined Municipal Role (Municipal Empowerment)

The *Planning Act* changes have been designed to establish clear roles in planning: the Province establishes policy; municipalities make decisions; and the Ontario Municipal Board (OMB) resolves disputes. There is a clear movement away from having the province as the approval authority where possible.

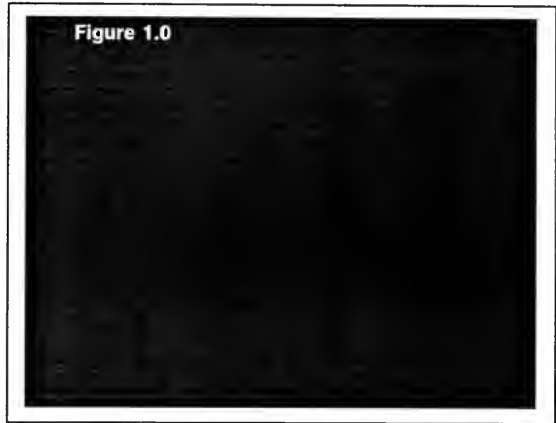
Under the revised *Planning Act*, various county and regional governments (upper tiers) will be called upon to update their official plans in light of the Provincial Policy Statement. Most of these municipalities have also been targeted for the assignment of approval authority for lower tier official plans and plans of subdivision.

MOEE and other ministries will work with MMAH and municipalities to incorporate the environmental and energy policies and principles espoused in the Provincial Policy

Statement and the related implementation materials into local and upper tier official plans as they come up for renewal.

Having these policies incorporated into official plans has two major environmental benefits. First, the policies previously considered primarily provincial or MOEE-related, such as policies dealing with land use compatibility, also become policies of the municipality. Thus the municipality will in effect assume

greater responsibility for environmental protection. Secondly, once the environmental policies appear in the official plan, the municipality can be considered responsible for ensuring that such policies are administered at the site-specific level. Once up-to-date official plan policies and schedules are in place, standard requirements of review agencies regarding site-specific development applications should be adequately addressed without review agency input (i.e., provincial agencies such as MOEE will not be involved). Moreover, it highlights a shared monitoring responsibility between the province and local citizens in ensuring that municipal official plan policies are adhered to. The net result of this clarification of roles and responsibilities should be a decrease in the direct involvement of provincial agencies in local development applications, and the elimination of duplication.



Streamlining

The new *Planning Act* imposes timelines on approval agencies (MMAH or delegate) for review of a complete application. MOEE will be required to review and provide comments to the approval authority on planning applications in a time frame generally between 30 and 60 days. The Ministry is committed to streamlining in this area, as with approvals under the *Environmental Assessment Act*, the *Environmental Protection Act* and the *Ontario Water Resources Act*.

Along with the imposed timelines for review, MOEE is also expected to take part in *Pre-Submission Consultation* (PSC) which will be coordinated by either MMAH or the approval authority. PSC involves providing members of the public, municipalities and stakeholder

groups with an opportunity to informally discuss planning proposals prior to adoption of the application(s) by municipal council. This "front-end" consultation should facilitate the formal review of the document within the specified time period by ensuring that proponents are fully aware of issues and take appropriate steps to address them before decisions are made (e.g. requiring the preparation of background reports on hydrogeology and stormwater management plans).⁵ Moreover, PSC provides an excellent opportunity for MOEE staff to communicate information relating to the Ministry's guidelines and policies - thus fulfilling an educational role that helps enable municipalities and members of the public to develop environmental management skills.

⁵ Point of clarification: under the new Planning Act regulations, review agencies like MOEE are afforded an opportunity not to receive notice or distribution of planning documents.

II. ENVIRONMENTAL PLANNING PROGRAM: A NEW APPROACH TO LAND USE PLANNING IN THE MINISTRY

MOEE's Environmental Planning Program represents a refocused approach to the Ministry's involvement in land use planning.

The program is consistent with the approach to environmental management envisaged in the Ministry's SEV, and follows the recommendations of the Crombie Report and recent reforms to the *Planning Act*, by stressing a greater focus by review agencies on broader, non site-specific planning documents. Moreover, the refocused MOEE planning program recognizes limited resources and the need to set priorities for involvement at a positive and effective point in the process (i.e. at the initial, or policy-setting stage).

The following chart illustrates the provincial and local roles in land use planning as captured in the Environmental Planning Program:

PROVINCIAL ROLE	LOCAL ROLE
Outline Provincial interests in local land use planning/Set policy (The Provincial Policy Statement), Implementation materials, MOEE Land Use Policies)	Coordinate review of site-specific planning applications (e.g., re-zonings, site-specific OPAs, plans of subdivision, consents, minor variances, etc.)
Involvement in Supra-Regional (Interjurisdictional) planning matters (e.g., Oak Ridges Moraine, Niagara Escarpment)	Consultation with the public on all planning applications
Review/input on the formation of official plans, secondary plans, policy-based OPAs, growth management strategies, coordinated through MMAH	Implementation of the PPS through local planning decisions
Monitoring of site-specific development application for compliance with the PPS	Decision-making on planning applications (e.g., approval, refusal, referral)

Provincial agencies are also expected to allocate time and resources to reviewing and commenting on other "larger" planning documents such as proposed watershed and sub-watershed plans and secondary plans. Such planning documents tend to encompass a multitude of site-specific land holdings.

MOEE will participate with MMAH and other provincial agencies in a "One-Window" approach to the delivery of a provincial planning program in areas like Northern Ontario where MMAH remains the Approval Authority, and in the delivery of a co-ordinated provincial position for preconsultation exercises in the remainder of the province. Moreover, MMAH in consultation with MOEE will develop a protocol for administering "One-Window" appeals to the Ontario Municipal Board on *Planning Act* matters in all parts of the province.

Categories of Environmental Interest

Land use planning matters are generally characterized in the Environmental Planning Program as being of significance in one or more of the following categories: Provincial interest, Regional MOEE interest, and (issues of) Local/Municipal interest.

Provincial (MOEE) Interest

Issues of Provincial interest are intended to address issues of provincial value or importance; issues that extend beyond the mandate of any one provincial ministry; or issues that are of a supra-regional nature, extending beyond the political boundaries of any one municipality.

Section 2 of the *Planning Act* lists issues of "provincial interest". They include "the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems," as well as "the protection of ecological systems including natural areas, features and functions" and "the supply, efficient use, and conservation of energy and water."

A Provincial interest may also be expressed through a Policy Statement issued under Section 3 of the *Planning Act*⁶. Moreover, it may be expressed through a formal announcement by one or more provincial ministries, as was done in the case of "Provincial Interest in the Oak Ridges Moraine Area of the Greater Toronto Area".

The Ministry of Environment and Energy's interest in the land use planning process stems from its roles and responsibilities as set out in legislation such as the *Planning Act*, *Environmental Protection Act*, and the *Ontario Water Resources Act*.

⁶ The Provincial Policy Statement is issued under Section 3 of the *Planning Act*.

The Ministry has a broad interest in promoting the preservation of the natural environment, the protection of human health and safety from adverse environmental impacts, the facilitation of energy conservation in land use planning, and planning for an adequate, safe, reliable, and affordable supply of energy. The priority is on prevention since this is the most efficient and effective method of protecting against adverse impacts from an economic and environmental standpoint. Planning is a useful means by which to pursue prevention.

The Ministry's interest will be promoted through the implementation of the PPS in local planning decision-making, particularly in the adoption of policy documents such as official plans, secondary plans and watershed plans, etc.

Interest Specific to a MOEE Region

Ontario is diverse in terms of its natural environment and human settlement patterns. Environmental problems do therefore vary from one geographic region to another. The Environmental Planning Program must respond to regional environmental problems with solutions which are appropriate to regional circumstances.

Issues of regional interest are issues related to MOEE's mandate which have specific application to a particular MOEE Region.⁷ Regional interests are closely linked to local environmental conditions and/or features and human resource pressures. An example of an issue of Regional MOEE interest is the wise management and use of groundwater resources within a particular geographic area or region. The expression of a Regional interest is intended to identify an existing or emerging environmental problem within a Region and an approach to dealing with that concern. For example, the Ministry may have a Regional interest in protecting cold water lakes and wish to review all development proposals in that area.

Regional interests will be identified through Regional Environmental Profiles (REPs). The REP will be produced and updated regularly by each Regional MOEE office as a component of the workplan. One of the primary purposes of the REP will be to identify the need for involvement of Regional MOEE staff in the review of site-specific land use planning documents where the Ministry has a specific environmental concern. Under these circumstances, the Regional MOEE office may write to the

⁷ There are six MOEE Regional Offices in the Operations Division: Northern Region, Mid-Ontario Region, Southwestern Region, West-Central Region, Central Region and Eastern Region.

appropriate approval authority requesting that they begin circulating site-specific planning documents to MOEE for review.

REPs will be coordinated to provide a balanced and consistent approach across the province.

Local/Municipal Interest

Local planning decisions are guided by the framework set by the Provincial Policy Statement, and thereby should reflect the interests of the province and MOEE. Municipalities, both lower and upper tier, share with MOEE an interest in the protection of the natural environment and resource conservation, and in protecting human health and safety from adverse environmental impacts. Municipal governments benefit from having a strong knowledge of local environmental conditions, and regular contact with the public in their communities. They are also directly accountable to the public for their decisions through the municipal elections process. Municipalities may use their planning powers under the *Planning Act* (official plans, zoning by-laws, site plan control, Committees of Adjustment) to promote these interests.

Opportunities within the planning approval process also exist for the interests of the public to be incorporated into various land use planning tools. For example, to avoid the environmental problems associated with the encroachment of incompatible land uses, residents can work with municipal council and the municipal planning department and/or consultant to have these concerns addressed in the official plan or in the zoning by-laws. Public involvement in planning is crucial, to gather a broad range of input and help ensure citizens' concerns are heard, and to allow the opportunity to defuse potential conflicts and avoid costly Ontario Municipal Board hearings.

Bearing these three interests in mind, the MOEE Environmental Planning Program has been designed to clarify MOEE's role in land use planning and to make the best use of the Ministry's resources.

The Seven Components of MOEE's Environmental Planning Program

The following are the main components of the program:

Policy Development:

MOEE is jointly responsible, with MMAH and other provincial agencies, for several components of the Provincial Policy Statement under Section 3 of the *Planning Act*.

The Ministry is also responsible for developing policy related to other legislation, such as the *Environmental Assessment Act*, that intersect with the planning legislation.

MOEE's Environmental Planning and Analysis Branch of the Conservation and Prevention Division will handle policy development, in consultation with the Environmental Sciences and Standards Division, and the Operations and Policy Divisions.

Guideline and Criteria Setting:

MOEE policies and environmental policy statements are further refined in the provincial materials prepared by the Ministry, and in guidelines and criteria found in MOEE's Manual of Practices and Procedures. These guidelines and criteria set specific requirements and/or objectives to achieve the policies of the Ministry.

The Environmental Planning and Analysis Branch is responsible for this guideline and criteria setting, with input from the Operations Division.

Education and Communication:

The Ministry will develop communications initiatives to help introduce MOEE's Environmental Planning Program to municipalities, the development industry and the public.

MOEE began communicating details of the Environmental Planning Program in early 1996, by:

- placing notice of the EPP on the Environmental Bill of Rights Registry;

- notifying MMAH and regional municipalities in writing of plans to begin implementation of the EPP;
- notifying county and local municipalities, in a phased approach, of plans to begin implementation of the EPP.

As part of the government's commitment to ongoing training, the Ministry will develop programs for municipal staff to build the capacity of local agencies to better understand and implement the ministry's policies and guidelines. MOEE will continue to educate municipalities and stakeholder groups such as developers and planning consultants in an effort to build environmental planning skills.

Education and communication initiatives will be developed by the Operations Division and the Environmental Planning and Analysis Branch in conjunction with the Training, Development and Certification Section of the Human Resources Branch and the Communications Branch. Opportunities for partnerships with outside agencies for the delivery of technical environmental educational will also be explored.

Pre-submission Consultation:

The Ministry will offer pre-submission Consultation comments to municipalities preparing official plans, secondary plans or other policy-based official plan amendments. A higher priority will be given to policy-based documents over site-specific applications in delivering this activity.

If specifically requested or if rationalized through the Regional Environmental Profile, the Ministry will, at the discretion of the Regional Director, provide comments on site-specific official plan amendments, plans of subdivision and other planning applications (see "Limited Site-Specific Reviews" below).

MOEE will work with MMAH to develop a protocol for implementing the "One-Window" approach to provincial involvement in land use planning as part of its commitment to streamlining in this area.

OP/OPA Review:

The Operations Division will continue to comment on official plans, secondary plans, growth management strategies and other policy-based official plan amendments as they pertain to this Ministry's mandate.

Where the Ministry's interests are not being given due consideration in the approval of these documents, MOEE may pursue appeal of these plans to the OMB through MMAH, as the provincial appeal body.

Limited Site-Specific Review:

Where a provincial interest arises because of a particular planning application; or an interest specific to MOEE has been identified in a REP; or at the discretion of the Regional Director, the Ministry may choose to participate in the review of site-specific applications.

MOEE will develop a framework for developing Regional Environmental Profiles. This framework will include criteria by which to assess the ability of municipalities to administer environmental reviews as outlined in the MOEE policies and guidelines referenced in the PPS implementation materials.

Where a Region has identified an issue of regional interest through its REP, and has developed an action plan to address the issue of regional interest, MOEE staff in that Region may engage in the review of site-specific applications.

Where MMAH remains the approval authority, MOEE will review and provide comments to MMAH on site-specific applications that have an environmental concern which has been identified through a Co-operative Review process. These reviews will be undertaken by the Operations Division.

Where the Ministry is asked in writing to assist a municipality by providing technical support on a site-specific planning act application, the Ministry will endeavour to provide municipal staff with technical comments upon which they can base their decision-making. Where the Regional Director determines that such actions are not possible, the municipality shall be formally notified of the decision.

Monitoring Municipal Performance:

The Environmental Planning and Analysis Branch will work with the other provincial agencies to develop performance indicators for use in evaluating the actions of municipalities in an effort to determine overall municipal compliance with the PPS. Conversely, MOEE will evaluate over time the effectiveness of the PPS in achieving the principles of MOEE's SEV, namely an ecosystem approach, environmental protection and, resource conservation.

In connection with evaluating municipal actions on site-specific planning applications, MMAH in consultation with MOEE and other agencies, will develop a protocol for "One-Window" provincial appeals of *Planning Act* instruments to the Ontario Municipal Board.

Each regional MOEE office will prepare updates to its Regional Environmental Profiles which will reflect important indicators of local conditions, e.g., extent of municipal servicing, sensitive groundwater areas, etc.

Where Co-operative Review projects are in place, regional staff will evaluate how the Ministry's interests are being addressed by the Approval Authority. Every effort will be made to work with the Ministry of Municipal Affairs and Housing to address any ongoing concerns raised regarding a municipality's decisions on site-specific planning applications.

Where there is non-compliance on the part of municipalities, recourse will include, but not be limited to:

- referral of environmental complaints to local municipalities, thus ensuring that local planning authorities are held responsible for their decisions;
- requesting action be taken by MMAH;
- enforcement activity under MOEE's legislation (e.g., OWRA, EPA).

III MAKING IT WORK - IMPLEMENTATION PLAN FOR THE EPP

Implementation of the refocused Environmental Planning Program must occur at a reasonable pace to accommodate the ability of local and upper tier municipalities to administer the review of site-specific planning applications. MOEE will co-operate with MMAH in implementing the Environmental Planning Program. Efforts will focus on ensuring that MOEE's Program is implemented along with MMAH initiatives with respect to:

- updating official plans in accordance with the PPS;
- delegation of approval authority to regional and county governments;
- training of municipal staff and planning consultants;
- creation of performance indicators.

A range of criteria were used by MOEE to determine an appropriate implementation plan for the Environmental Planning Program. These included: the likelihood of responding to an adverse environmental impact, consistency of approach, resource implications, proactiveness, and compatibility with other MOEE initiatives.

The approach as it relates to the three identified levels of government jurisdiction is outlined below.

Regional and District Municipalities

- MOEE will provide approximately six months notice to regional and district municipalities that the Ministry's Regional staff will no longer be involved in the review of draft plans of subdivision, draft plans of condominium, their related official plan amendments and associated technical reports.
- In exceptional cases in which a site-specific official plan amendment proposes to establish the principle of development, and where the potential environmental impacts are considered significant by the Regional MOEE Director, the Ministry will provide comments to municipalities prior to council adopting the amendment.
- MOEE staff will actively participate in the formulation of new official plans (including major updates), secondary plans, watershed plans, and related background studies.

- MOEE will be available to provide technical advice and assistance for the purposes of informal consultation to municipalities as part of our commitment to ensure good planning practices.
- Consistent with the "One-Window" planning appeals provisions of the *Planning Act*, MOEE with MMAH, will monitor the municipalities' overall compliance with both the PPS. MOEE will implement a response strategy which outlines specific actions to be taken should monitoring reveal non-compliance.

Separated Cities, County Governments, and Other Agencies With Approval Authority

- MOEE will withdraw from site-specific reviews in a phased approach. In the initial phase, separated cities will move into a system of screening of development applications; these municipalities will next assume responsibility for site-specific application review within the urban core; and finally for all site-specific review.
- The Ministry will participate in meetings organized by the Provincial Facilitator to notify separated cities that the Ministry's Regional staff will be withdrawing from the review of draft plans of subdivision, draft plans of condominium, their related official plan amendments and associated technical reports. This will be followed by one-on-one meetings with separated cities to tailor the implementation schedule to the capacity of the municipality.
- Criteria used to determine the appropriate process and timing for this transfer of review include:
 - the extent to which the official plan reflects the PPS;
 - the presence and/or accessibility of planning and technical expertise to assist the municipality in the course of their review of planning applications.
- A similar process will be established for the transfer of review to county governments and other agencies with review authority.
- MOEE will continue to review site-specific planning proposals as an interim measure with these agencies until transfer of review is accomplished.

All Other Areas of the Province (Where MMAH continues to be the planning Approval Authority)

- MOEE will continue to review site-specific planning proposals as an interim measure.
- MOEE will initiate development of co-operative review with MMAH consistent with the "One-Window" approach.
- Where and when MMAH delegates approval authority, through its REP, the MOEE Regional office will develop a strategy to implement a co-operative review approach with the new approval authority to manage site-specific development applications.

ENVIRONMENTAL PLANNING AND ANALYSIS BRANCH

February 1, 1996

Dear Sir or Madam

Re: The Environmental Planning Program

The Ministry of Environment and Energy (MOEE) has recently completed a review and refocusing of its role in land use planning. The enclosed document, the *Ministry of Environment and Energy's Environmental Planning Program*, provides the details of this revised program.

The key feature in the Environmental Planning Program is a shift away from the review of local land use applications to focus on greater involvement in the creation of official plan policy. This approach is consistent with the Government's commitment through Bill 20 to promote greater municipal authority and responsibility for local planning decisions, to eliminate duplication, and to streamline the planning process.

This approach represents a change in the direction of the Ministry's planning efforts and resources, but not in our commitment to environmental protection. The Ministry will continue to play a key role in land use planning through the establishment of sound environmental policies that set the stage for responsible decision-making. Moreover, we continue to carry out the Ministry's fundamental mandate as laid out in the Environmental Protection Act, the Environmental Assessment Act, the Ontario Water Resources Act and other environmental legislation.

The implementation of MOEE's refocused Environmental Planning Program will help to clarify the roles and the accountability of both the municipality and the Ministry in ensuring environmentally sound land use planning.

MOEE will implement its planning reforms with municipal governments in a staged process, beginning with the Regional Municipalities. As with all significant change, the introduction of this approach will require discussion and collaboration between partners. As we move forward in this phased manner we will provide advance notice by communicating directly with the affected municipalities. We are committed to providing support to municipalities through the transition, in conjunction with the Ministry of Municipal Affairs and Housing and other provincial agencies.

We believe the Ministry's *Environmental Planning Program* provides a blueprint for the successful transition to a new system of land use planning -- one which incorporates the desire of municipalities to manage their own development, while providing a process for change that will ensure environmental protection.

Yours truly,

Bohdan Wynnycky
Environmental Planner

encl.

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Environmental Planning Program**

Land Use Planning Program Review

January 1996

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I. BACKGROUND

The Ministry of Environment and Energy's (MOEE) original role as a *Planning Act* review agency focused on evaluating plans for the provision of sewage and water services and the protection of water resources – a function of the Ministry's mandate under the *Ontario Water Resources Act (OWRA)*, the *Environmental Assessment Act, 1990 (EAA)*, and the *Environmental Protection Act, 1990 (EPA)*. This role later evolved to include commenting on individual sewage and water services, waste disposal, land use compatibility (i.e. impact of noise, odour and particulate) and contaminated sites – all of which fall under the Ministry's mandate through the *Environmental Protection Act, 1990*. In the early 1990's, in keeping with Section 8 of the *Ministry of Energy Act*, the Ministry's responsibilities expanded to include facilitation of energy conservation in land use planning, and planning for a safe, reliable, secure and affordable supply of energy.

As a review agency, MOEE routinely commented on a variety of planning documents, ranging from local consent applications and municipal site-specific zoning by-laws, to major secondary plans and, municipal and regional official plans (OPs). In recent years, MOEE's planning program has generally moved away from commenting on traditional site-specific *Planning Act* applications such as consents and zoning by-laws in an effort to focus on larger, more complex planning documents such as the municipal official plan. The review of zoning by-laws was considered unnecessary if the official plan, to which zoning by-laws must conform, satisfied MOEE's objectives.¹

MOEE has documented and released to the public its standards, policies, and guidelines on protecting water quality and quantity, and on land use compatibility as these relate to land use planning. The goal of this effort was to establish consistency across the province, as well as to begin working with municipalities, developers, consultants, and the public to achieve the Province's intent in these areas. In the longer term, this additional knowledge is expected to result in an increased sense of local responsibility for the quality of the natural and built environments and hence *Planning Act* decisions which are more consistent with MOEE environmental goals and objectives.

¹ *Planning Act, R.S.O. 1990, Section 24(1).*

Where We Are Now

The Ministry's land use planning program has been changing rapidly over the last several years in response to evolving demands, resource constraints, and dramatic fluctuations in development pressures. As stated previously, over time MOEE generally has refrained from reviewing and commenting on site-specific *Planning Act* instruments such as consent applications and zoning by-laws. Given the increasing time demands on staff responsible for reviewing and commenting on these documents, and their "low environmental risk" nature from a provincial perspective, this approach offered the most efficient use of the Ministry's resources. The next logical step in this progression is to become less involved in the reviews of plans of subdivision and site-specific official plan amendments (OPAs) as official plans are updated.

Some MOEE regional offices have actively pursued partnerships with other provincial agencies such as the Ministry of Municipal Affairs and Housing (MMAH), or with municipal governments. These partnerships have included screening arrangements, Co-operative Reviews, and Development Control Programs². The extent of this activity has largely depended on MOEE workload and municipal interest and capability.

While these arrangements have been generally reflective of local conditions, MOEE recognizes the need to have a consistent approach to land use planning to meet the new demands placed on the Ministry through the Statement of Environmental Values (SEV) and provincial planning reforms. To this end, an Interdivisional Plan Reform Committee was created under the Director, Eastern Region, Operations Division and the Director, Environmental Planning and Analysis Branch, Conservation and Prevention Division. The committee's mandate was to review the existing program in the context of the changing legislative environment and to develop the framework for a new Environmental Planning Program.

² Co-operative Review is a term used to describe an arrangement between MOEE and an Approval Authority (to date this has been MMAH) whereby the Approval Authority acts on MOEE's behalf in commenting on "straight-forward" planning applications. Applications which were deemed to be "more environmentally complex" would continue to be sent to MOEE for review.

Development Control Programs are arrangements between MOEE and more sophisticated municipalities (i.e. ones having both a planning and public works department) in which the municipality becomes responsible for calculating and reporting reserve capacity at its sewage and water treatment plants according to an agreed upon formula.

MOEE's SEV and the Environmental Planning Program

As of November 1994, MOEE's Statement of Environmental Values (SEV) must be taken into consideration in the development of all Ministry policies, acts and regulations, and therefore must be considered when developing the Environmental Planning Program. The SEV contains three guiding principles: to apply an *Ecosystem Approach* to environmental protection and resource management, by placing priority on *Environmental Protection* as a method of minimizing the creation of pollutants, and the use of energy and water conservation as part of a strategy for *Resource Conservation*.

The SEV principles are also reflected in the Provincial Policy Statement" (PPS) and related Implementation Guidelines. For example, the Implementation Guideline for Water Quality and Quantity (Policy 2.4) encourages municipalities to conduct their planning on a watershed basis, thus identifying watershed-based planning as an example of an ecosystem approach to land use planning.

The Environmental Planning Program incorporates the principles of the Ministry's SEV by continuing to move away from a focus on the site-specific review of *Planning Act* instruments toward a broader consideration of environmental issues -- one which recognizes the principles of an Ecosystem Approach, Environmental Protection and Resource Conservation at the official plan level. Notwithstanding this, the Ministry will continue to monitor local decision-making on land use planning matters in partnership with other ministries and municipal planning authorities to ensure environmental protection through compliance with MOEE policies, standards and guidelines.

Planning Reform

The new *Planning Act* has ushered in a fundamentally different approach to land use planning in Ontario. A prime consideration for MOEE is that under this new Act provincial ministries are to focus on the formation of provincial planning policy, while municipalities are to make decisions on planning instruments such as official plan amendments, zoning by-laws and subdivision plans. Thus provincial and municipal roles have become more clearly defined.

Bill 20 further modified the *Planning Act* by establishing a "One-Window" administrative arrangement where the Ministry of Municipal Affairs and Housing (MMAH) takes the lead in co-ordinating a provincial position on planning applications, including the lodging of appeals and the development of cases for the OMB. The Environmental Planning

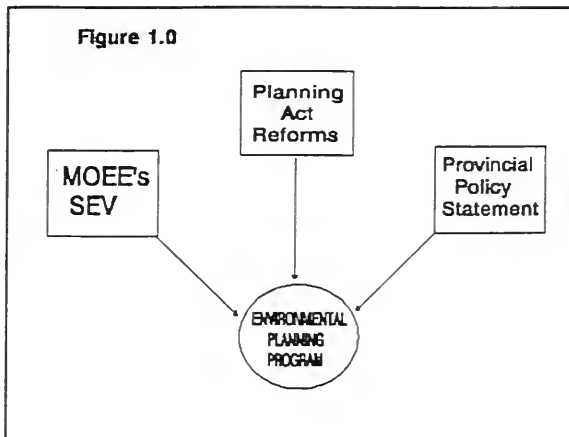
Program has been established to incorporate the Ministry's SEV, the redefined municipal role and provincial interest as established in the Provincial Policy Statement (see Figure 1.0). Moreover, the Environmental Planning Program has been designed to allow for administration in the context of a "One-Window" approach to provincial planning and appeals.

Environmental protection will be achieved through the introduction of the Provincial Policy Statement (PPS) and the related Implementation Guidelines.³ The PPS reflects MOEE's mandated concerns, thus incorporating the Ministry's environmental interests in planning matters, and reinforcing their legal status under the *Planning Act*. However, in order to be implemented successfully within the new planning process (as defined by the *Planning Act*), the EPP must ensure that environmental protection occurs in conjunction with the two other themes of planning reform -- municipal empowerment and streamlining.

The Redefined Municipal Role (Municipal Empowerment)

The *Planning Act* changes have been designed to establish clear roles in planning: the Province establishes policy; municipalities make decisions; and the Ontario Municipal Board (OMB) resolves disputes. There is a clear movement away from having the province as the approval authority where possible.

Under the *Planning Act*, various county and regional governments (upper tiers) will be called upon to



³ The Provincial Policy Statement is accompanied by several Implementation Guidelines designed to clarify its intent. MOEE authored several of these Implementation Guidelines which were reflective of its mandated areas of interest. MOEE technical manuals and guidelines (D-series) are referenced in the Implementation Guidelines.

update their official plans in light of the Provincial Policy Statement. Most of these municipalities have also been targeted for the assignment of approval authority for lower tier official plans and plans of subdivision.

The challenge for MOEE and other ministries is to work with MMAH and municipalities to incorporate the environmental and energy policies and principles espoused in the provincial policy statement and implementation guidelines into local and upper tier official plans. Having these policies in the official plans has two major environmental benefits. First, the policies previously considered primarily provincial or MOEE-related, such as policies dealing with land use compatibility, also become policies of the municipality. Thus the municipality would in effect assume greater responsibility for environmental protection. Secondly, once the environmental policies appear in the official plan, the municipality can be considered responsible for ensuring that such policies are administered at the site-specific level. With up-to-date official plan policies and schedules in place, standard requirements of review agencies regarding site-specific development applications should be adequately addressed without review agency input (i.e., provincial agencies such as MOEE will not be involved). This will decrease direct involvement of provincial agencies in local development applications, thus eliminating duplication.

Streamlining

The new *Planning Act* imposes timelines on approval agencies (MMAH or delegate) for review of a complete application. MOEE will be required to review and provide comments to the approval authority on planning applications generally between 30 and 60 days. The Ministry is committed to streamlining in this area, as with approvals under the *Environmental Assessment Act*, the *Environmental Protection Act* and the *Ontario Water Resources Act*.

Along with the imposed timelines for review, MOEE is also expected to take part in *Pre-Submission Consultation* (PSC). This involves providing municipalities and proponents of planning applications with an opportunity to informally discuss planning proposals prior to adoption of the application(s) by municipal council. This "front-end" consultation should facilitate the formal review of the document within the specified time period by ensuring that proponents are fully aware of issues and take appropriate steps to address them before decisions are made (e.g. requiring the preparation of

background reports on hydrogeology and stormwater management plans).⁴ Moreover, PSC provides an excellent opportunity for MOEE staff to communicate information relating to the Ministry's guidelines and policies - thus fulfilling an educational role.

⁴ Point of clarification: under the new Planning Act regulations, review agencies like MOEE are afforded an opportunity not to receive notice or distribution of planning documents.

II. ENVIRONMENTAL PLANNING PROGRAM: A NEW APPROACH TO LAND USE PLANNING IN THE MINISTRY

The Environmental Planning Program of the Ministry of Environment and Energy embodies a refocused approach to the Ministry's involvement in land use planning.

The program is consistent with the approach to environmental management envisaged in the Ministry's SEV, and follows the recommendations of the Crombie Report and recent reforms to the *Planning Act*, by stressing a greater focus by review agencies on broader, non site-specific planning documents. Moreover, the refocused MOEE planning program recognizes limited resources and the need to set priorities for involvement at a positive and effective point in the process (i.e. at the initial, or policy-setting stage).

The following chart illustrates the provincial and local roles in land use planning as captured in the Environmental Planning Program:

PROVINCIAL ROLE	LOCAL ROLE
Outline Provincial interests in local land use planning/Set policy (The Provincial Policy Statement (PPS), Implementation Guidelines, MOEE Land Use Policies)	Coordinate review of site-specific planning applications (e.g., re-zonings, site-specific OPAs, plans of subdivision, consents, minor variances, etc.)
Involvement in Supra-Regional (Interjurisdictional) planning matters (e.g., Oak Ridges Moraine, Niagara Escarpment)	Coordination of public input
Review/input on the formation of official plans, secondary plans, policy-based OPAs, growth management strategies, coordinated through MMAH	Implementation of the PPS through local planning decisions
Monitoring of site-specific development application for compliance with the PPS	Make decisions on planning applications (e.g., approval, refusal, referral)

Provincial agencies are also expected to allocate time and resources to reviewing and commenting on other "larger" planning documents such as proposed watershed and sub-watershed plans and secondary plans. Such planning documents tend to encompass a multitude of site-specific land holdings.

MOEE will participate with MMAH and other provincial agencies in a "One-Window" approach to the delivery of a provincial planning program in areas like Northern Ontario where MMAH remains the Approval Authority, and in the delivery of a co-ordinated provincial position for preconsultation exercises in the remainder of the province. Moreover, MMAH in consultation with MOEE will develop a protocol for administering "One-Window" appeals to the Ontario Municipal Board on *Planning Act* matters in all parts of the Province.

Categories of Environmental Interest

Land use planning matters are generally characterized in the Environmental Planning Program as being of significance in one or more of the following categories: Provincial interest, Regional MOEE interest, and (issues of) Local/Municipal interest.

Provincial (MOEE) Interest

Issues of Provincial interest are intended to address issues of provincial value or importance; issues that extend beyond the mandate of any one provincial ministry; or issues that are of a supra-regional nature, extending beyond the political boundaries of any one municipality.

Section 2 of the *Planning Act* lists issues of "provincial interest". They include "the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems," as well as "the protection of ecological systems including natural areas, features and functions" and "the supply, efficient use, and conservation of energy and water."

A Provincial interest may also be expressed through a Policy Statement issued under Section 3 of the *Planning Act*⁵. Moreover, it may be expressed through a formal announcement by one or more provincial ministries, as was done in the

⁵ The Provincial Policy Statement is issued under Section 3 of the *Planning Act*.

case of "Provincial Interest in the Oak Ridges Moraine Area of the Greater Toronto Area".

The Ministry of Environment and Energy's interest in the land use planning process stems from its roles and responsibilities as set out in legislation such as the *Planning Act*, *Environmental Protection Act*, and the *Ontario Water Resources Act*. The Ministry has a broad interest in promoting the preservation of the natural environment, the protection of human health and safety from adverse environmental impacts, the facilitation of energy conservation in land use planning, and planning for an adequate, safe, reliable, and affordable supply of energy. The priority is on prevention since this is the most efficient and effective method of protecting against adverse impacts from an economic and environmental standpoint. Planning is a useful means by which to pursue prevention.

The Ministry's interest will be promoted through the implementation of the PPS in local planning decision-making, particularly in the adoption of policy documents such as official plans, secondary plans and watershed plans, etc.

Interest Specific to a MOEE Region

Ontario is diverse in terms of its natural environment and human settlement patterns. Environmental problems do therefore vary from one geographic region to another. The Environmental Planning Program must respond to regional environmental problems with solutions which are appropriate to regional circumstances.

Issues of regional interest are issues related to MOEE's mandate which have specific application to a particular MOEE Region.⁶ Regional interests are closely linked to local environmental conditions and/or features and human resource pressures. An example of an issue of Regional MOEE interest is the wise management and use of groundwater resources within a particular geographic area or region. The expression of a Regional interest is intended to identify an existing or emerging environmental problem within a Region and an approach to dealing with that concern. For example, the Ministry may have a Regional

⁶ There are six MOEE Regional Offices in the Operations Division: Northern Region, Mid-Ontario Region, Southwestern Region, West-Central Region, Central Region and Eastern Region.

interest in protecting cold water lakes and wish to review all development proposals in that area.

Regional interests will be identified through Regional Environmental Profiles (REPs). One of the primary purposes of the REP will be to identify the need for involvement of Regional MOEE staff in the review of site-specific land use planning documents where the Ministry has a specific environmental concern. Under these circumstances, the Regional MOEE office may write to the appropriate approval authority requesting that they begin circulating site-specific planning documents to MOEE for review.

REPs will be coordinated to provide a balanced and consistent approach across the province.

Local/Municipal Interest

Local planning decisions are guided by the framework set by the Provincial Policy Statement, and thereby should reflect the interests of the province and MOEE. Municipalities, both lower and upper tier, share with MOEE an interest in protecting the natural environment and resource conservation, and in protecting human health and safety from adverse environmental impacts. Municipal governments benefit from having a strong knowledge of local environmental conditions, and regular contact with the public in their communities. Municipalities may use their planning powers under the *Planning Act* (official plans, zoning by-laws, site plan control, Committees of Adjustment) to promote these interests.

Opportunities within the planning approval process also exist for the interests of the public to be incorporated into various land use planning tools. For example, to avoid the environmental problems associated with the encroachment of incompatible land uses, residents can work with municipal council and the municipal planning department and/or consultant to have these concerns addressed in the official plan or in the zoning by-laws.

Bearing these three interests in mind, the MOEE Environmental Planning Program has been designed to clarify MOEE's role in land use planning and to make the best use of the Ministry's resources.

The Seven Components of MOEE's Environmental Planning Program

The following are the main components of the program:

Policy Development:

MOEE is jointly responsible, with MMAH and other provincial agencies, for several components of the Provincial Policy Statement under Section 3 of the *Planning Act*.

The Ministry is also responsible for developing policy related to other legislation, such as the *Environmental Assessment Act*, that intersect with the planning legislation.

MOEE's Environmental Planning and Analysis Branch of the Conservation and Prevention Division will handle policy development, in consultation with the Environmental Sciences and Standards Division, and the Operations and Policy Divisions.

Guideline and Criteria Setting:

MOEE policies and environmental policy statements are further refined in the provincial implementation guidelines prepared by the Ministry, and in guidelines and criteria found in MOEE's Manual of Practices and Procedures. These guidelines and criteria set specific requirements and/or objectives to achieve the policies of the Ministry.

The Environmental Planning and Analysis Branch is responsible for this guideline and criteria setting, with input from the Operations Division.

Education and Communication:

The Ministry will develop communications initiatives to help introduce MOEE's Environmental Planning Program to municipalities, the development industry and the public.

Beginning immediately, MOEE will start communicating details of the Environmental Planning Program by:

- placing notice of the EPP on the Environmental Bill of Rights Registry;
- notifying MMAH and regional municipalities in writing regarding implementation of the EPP;
- where necessary, notifying county and local municipalities in writing regarding implementation of the EPP.

As part of the government's commitment to ongoing training, the Ministry will develop programs for municipal staff to build the capacity of local agencies to better understand and implement the ministry's policies and guidelines. MOEE will continue to educate municipalities and stakeholder groups such as developers and planning consultants in an effort to build environmental planning skills.

Education and communication initiatives will be developed by the Operations Division and the Environmental Planning and Analysis Branch in conjunction with the Training, Development and Certification Section of the Human Resources Branch and the Communications Branch. Opportunities for partnerships with outside agencies for the delivery of technical environmental educational will also be explored.

Pre-submission Consultation:

The Ministry will offer pre-submission Consultation comments to municipalities preparing official plans, secondary plans or other policy-based official plan amendments. A higher priority will be given to policy-based documents over site-specific applications in delivering this activity.

If specifically requested or if rationalized through the Regional Environmental Profile, the Ministry will, at the discretion of the Regional Director, provide comments on site-specific official plan amendments, plans of subdivision and other planning applications (see "Limited Site-Specific Reviews" below).

MOEE will work with MMAH to develop a protocol for implementing the "One-Window" approach to provincial involvement in land use planning as part of its commitment to streamlining in this area.

OP/OPA Review:

The Operations Division will continue to comment on official plans, secondary plans, growth management strategies and other policy-based official plan amendments as they pertain to this Ministry's mandate.

Where the Ministry's interests are not being given due consideration in the approval of these documents, MOEE may pursue appeal of these plans to the OMB through MMAH, as the provincial appeal body.

Limited Site-Specific Review:

Where a provincial interest arises because of a particular planning application; or an interest specific to MOEE has been identified in a REP; or at the discretion of the Regional Director, the Ministry may choose to participate in the review of site-specific applications.

MOEE will develop a framework for developing Regional Environmental Profiles. This framework will include criteria by which to assess the ability of municipalities to administer environmental reviews as outlined in the MOEE policies and guidelines referenced in the implementation guidelines.

Where a Region has identified an issue of regional interest through its REP, and has developed an action plan to address the issue of regional interest, MOEE staff in that Region may engage in the review of site-specific applications.

Where MMAH remains the approval authority, MOEE will review and provide comments to MMAH on site-specific applications that have an environmental concern which has been identified through a Co-operative Review process. These reviews will be undertaken by the Operations Division.

Where the Ministry is asked in writing to assist a municipality by providing technical support on a site-specific planning act application, the Ministry will endeavour to provide municipal staff with technical comments upon which they can base their decision-making. Where the Regional Director determines that such actions are not possible, the municipality shall be formally notified of the decision.

Monitoring/Auditing:

The Environmental Planning and Analysis Branch will work with the other provincial agencies to develop performance indicators for use in monitoring the actions of municipalities on site-specific planning applications, to determine overall compliance with the PPS. Conversely, MOEE will evaluate over time the effectiveness of the PPS in achieving the principles of MOEE's SEV, namely an ecosystem approach, environmental protection and, resource conservation.

In connection with the monitoring municipal actions with respect to site-specific planning applications, MMAH in consultation with MOEE and other agencies, will develop a protocol for "One-Window" provincial appeals of *Planning Act* instruments to the Ontario Municipal Board.

Each Regional Office will prepare updates to its Regional Environmental Profiles which will reflect important indicators of local conditions, e.g., extent of municipal servicing, sensitive groundwater areas, etc.

Where Co-operative Review projects are in place, regional staff will evaluate how the Ministry's interests are being addressed by the Approval Authority. Every effort will be made to work with the Ministry of Municipal Affairs and Housing to address any ongoing concerns raised with respect to a municipality's decisions on site-specific planning applications.

Where there is non-compliance on the part of municipalities, recourse will include, but not be limited to:

- requesting action be taken by MMAH;
- enforcement activity under MOEE's legislation (e.g., OWRA, EPA);
- referral of environmental complaints to local municipalities, thus ensuring that local planning authorities are held responsible for their decisions.

III MAKING IT WORK - IMPLEMENTATION PLAN FOR THE EPP

Implementation of the refocused Environmental Planning Program must occur at a reasonable pace to accommodate the ability of local and upper tier municipalities to administer the review of site-specific planning applications. MOEE will co-operate with MMAH in implementing the Environmental Planning Program. Efforts will focus on ensuring that MOEE's Program is implemented along with MMAH initiatives with respect to:

- delegation of approval authority to regional and county governments;
- training of municipal staff and planning consultants;
- creation of performance indicators for the PPS, etc.

A range of criteria were used by MOEE to determine an appropriate implementation plan for the Environmental Planning Program. These included: likeliness of responding to adverse environmental impact, consistency of approach, resource implications, proactiveness, and compatibility with other MOEE initiatives.

The approach as it relates to the three identified levels of government jurisdiction is outlined below.

Regional and District Municipalities

- MOEE will provide approximately six months notice to regional and district municipalities that the Ministry's Regional staff will no longer be involved in the review of draft plans of subdivision, draft plans of condominium, their related official plan amendments and associated technical reports.
- In exceptional cases in which a site-specific official plan amendment proposes to establish the principle of development, and where the potential environmental impacts are considered significant by the Regional MOEE Director, the Ministry will provide comments to municipalities prior to council adopting the amendment.
- MOEE staff will actively participate in the formulation of new official plans (including major updates), secondary plans, watershed plans, and related background studies.
- MOEE will be available to provide technical advice and assistance for the purposes of informal consultation.
- Consistent with the "One-Window" planning appeals provisions of the *Planning Act*, MOEE with MMAH, will monitor the municipalities' overall compliance with both the PPS and the MOEE policies and guidelines referenced in the PPS Implementation Guidelines. MOEE will implement a response strategy which outlines specific actions to be taken should monitoring reveal non-compliance.

County Governments, Separated Cities and Other Agencies With Approval Authority

- MOEE will continue to review site-specific planning proposals as an interim measure.
- MOEE Regional Offices, through their REPs, will develop a strategy to identify Approval Agencies within their Regions with which they could enter into a co-operative review approach to manage site-specific development applications, as well as an implementation plan. The following criteria will be considered:
 - the extent to which the official plan reflects the PPS;
 - the presence and/or accessibility of planning and technical expertise to assist the municipality in the course of their review of planning applications;
 - the willingness of the municipality to assume greater responsibility in environmental matters;
 - the willingness of the municipality to respond to threats to environmental resources.

These agencies will be given approximately six months advance notice of the Ministry's intentions prior to implementation of the co-operative review approach.

- Every two years, MOEE Regional Offices will review the status of their respective Approval Agencies based on the above criteria.

All Other Areas of the Province (Where MMAH continues to be the planning Approval Authority)

- MOEE will continue to review site-specific planning proposals as an interim measure.
- MOEE will initiate development of co-operative review with MMAH consistent with the "One-Window" approach.
- MOEE will share available environmental information with municipalities, the development industry and the public.

- Where and when MMAH delegates approval authority, through its REP, the MOEE Regional office will develop a strategy to implement a co-operative review approach with the new approval authority to manage site-specific development applications.

